

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - GR

January 4, 2021 11:33 AM  
CLERK OF COURT  
U.S. DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
BY: tlb SCANNED BY: JW 1-4Antonio Alie McMann #200423;  
and on behalf of all similar situated  
Muskegon County Pretrial - Detainees

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

1:21-cv-0003

Hala Y. Jarbou - U.S. District Judge  
Ray Kent - Magistrate JudgeMuskegon County Jail, Michael J. Poulin,  
Sgt. C. Stevens of Court Services, Lt. Smith,  
Muskegon County Jail Inmate Accounts

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

## I. Previous Lawsuits

**CAUTION:** The Prison Litigation Reform Act has resulted in substantial changes in the ability of incarcerated individuals to initiate lawsuits in this and other federal courts without prepayment of the civil action filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff's failure to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$400.00 filing fee regardless of whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.  
\_\_\_\_\_
  2. Is the action still pending? Yes ☐ No ☐
    - a. If your answer was no, state precisely how the action was resolved: \_\_\_\_\_
  3. Did you appeal the decision? Yes ☐ No ☐
  4. Is the appeal still pending? Yes ☐ No ☐
    - a. If not pending, what was the decision on appeal? \_\_\_\_\_
  5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: \_\_\_\_\_

II. Place of Present Confinement Muskegon County Jail

If the place of present confinement is not the place you were confined when the occurrence that is subject of instant lawsuit arose, also list the place you were confined:

\_\_\_\_\_

## III. Parties

## A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff Antonio Alie McMann

Address Muskegon County Jail; 980 Terrace St., Muskegon, MI 49442

## B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Muskegon County Jail

Position or Title Sheriff Department - Agency

Place of Employment Muskegon County Jail

Address 980 Terrace St, Muskegon MI 49442

Official and/or personal capacity? Both Official & Personal

Name of Defendant #2 Michael J. Poulin

Position or Title Head Sheriff

Place of Employment Muskegon County Jail

Address 980 Terrace St., Muskegon, MI 49442

Official and/or personal capacity? Official & Personal

Name of Defendant #3 Sgt. C. Stevens

Position or Title Sgt. of Court Services

Place of Employment Muskegon County Jail

Address 980 Terrace St., Muskegon, MI 49442

Official and/or personal capacity? Official and Personal

Name of Defendant #4 Muskegon County Inmate Accounts - Commissary

Position or Title Inmate Accounts - Commissary

Place of Employment Muskegon County Jail

Address 980 Terrace St. Muskegon, MI 49442

Official and/or personal capacity? Official & Personal

Name of Defendant #5 Lt. Smith

Position or Title Sheriff Jail Command

Place of Employment Muskegon County Jail

Address 980 Terrace St., Muskegon, MI 49442

Official and/or personal capacity? Official & Personal



## IV. Statement of Claim

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

**I:** Antonio Alie McMan, a Pro Per, Pretrial Detainee was arrested and arraigned on January 3<sup>rd</sup>, 2020 in the Muskegon County Jail. Plaintiff requested Access To Law Library by sending Kites January 2020, February 2020, March 2020, April 2020. Plaintiff was never afforded Access to Law Library or Legal Material by the Muskegon County Jail, Sheriff Michael J. Poulin, or Sgt. C. Stevens. Plaintiff receive a Response from Sgt. C. Stevens (See Exh. A). Plaintiff filed a Motion with Muskegon County Court and Muskegon County Prosecutor Claiming Denied Access To Courts and Law Library (See Exh. B). Muskegon County Prosecutor Daniel L. Short Responded by stating Muskegon County Criminal Court and Prosecutor's Office have no Authority regarding Pre-trial Detainee Antonio Alie McMan's Access To Courts or Law Library (See Exh. C). On October 13<sup>th</sup>, 2020 Plaintiff obtained a Order from Muskegon County Judge Annette R. Smedley Ordering Muskegon County Jail to give Plaintiff Access to Law Library (See Exh. D). Plaintiff has been denied Access to Law Library, to prepare adequately pleadings, defenses and to challenge his charges/confinement. Plaintiff filed Grievances.

II:

That Lt. Smith denied Plaintiff Access to DVD Evidences, As Plaintiff became Pro Per in another Case File No# 18-006367-FH and informed Plaintiff's standby Counsel that he would not provide Plaintiff Access to said DVD Evidence (Body-cam) without a Court Order (See Exh. E.) dated letter from Standby Counsel November 2nd, 2020. Plaintiff filed grievance on December 2nd, 2020 with no response. (See Exh. F.)



**III. Statement of Claim**

State here the **facts** of your case. Describe how each defendant is personally involved. Include also the names of other persons involved, dates and places. **Do not give any legal arguments or cite any cases or statutes.** If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

- Plaintiff in attempting to file his Complaint with this Court has sought to obtain "AFFIDAVIT OF INDIGENCY" from Muskegon County Jail Inmate Accounts- Commissary on two occasions, notably November 7<sup>th</sup>, 2020 and to this date have not received a response. Plaintiff requested an "AFFIDAVIT OF INDIGENCY" on May 28<sup>th</sup>, 2020 that was never provided. Plaintiff filed a grievance on December 2<sup>nd</sup>, 2020 and to this date have not received a response. (See Exh. G). Plaintiff is being prevented from properly filing Complaints.

**IV:**

That Plaintiff's Legal Mail has been rejected / Refused by the Muskegon County Jail on several Occassions On July 16<sup>th</sup>, 2020, August 4<sup>th</sup>, 2020, August 19<sup>th</sup>, 2020 and June 2020. Plaintiff filed grievance on August 27<sup>th</sup>, 2020 and Step II Grievance on December 2<sup>nd</sup>, 2020. (See Exh. H)

- V:** Plaintiff is being impeded from Accessing the Courts, receiving Legal mail, Accessing Law Library (adequately), and preparing a Legal Defense, and adequate legal research and adequate pleadings in Retaliation for filing grievances and requesting access to Law Library.

V. Relief

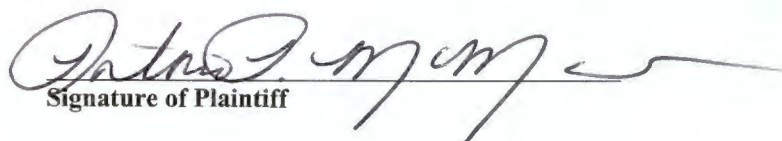
and Injunctive Relief

State briefly and precisely what you want the court to do for you.

Enter a Declaratory Judgement/Requiring Defendants Establish a Adequate Policy and System ensuring Pretrial Detainees can Access Law Library and or Legal Material Adequately. Can Access the Courts Unimpeded, Including Legal Envelopes, Proper Postage, Affidavits of Indigency upon request, and Punitive Damages in the amount of \$10,000,000.00 U.S. dollars and Legal Aide with his claim.

12/5/2020

Date



Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.

Muskegon County Jail  
980 Terrace St  
Muskegon, MI 49440

Inmate Name: Antonio Alie McMann  
"Pro Per"

2C5



\* PRO PER  
LEGAL  
MAIL

U.S. District Court  
399 Federal Building  
110 Michigan St. NW.  
Grand Rapids, Michigan 49503

\* Cannot Read Defendant's  
LEGAL MAIL BY LAW!!



Tamika Waddy  
1687 Superior  
Muskegon MI  
49442



UNITED STATES  
POSTAL SERVICE.

Retail

**P**

US POSTAGE PAID

**\$7.50**

Origin: 49444  
12/31/20  
2565320222-06

**PRIORITY MAIL 1-DAY®**

0 Lb 6.50 Oz

**1005**

EXPECTED DELIVERY DAY: 01/04/21

**C020**

SHIP

TO:

110 MICHIGAN ST NW  
Grand Rapids MI 49503-2300

**USPS TRACKING® NUMBER**



**9505 5124 8362 0366 1819 24**



U.S. District Court  
399 Federal Building  
110 Michigan St NW.  
Grand Rapids, MI 49503